

# Senate Bill No. 106

(By Senator Carmichael)

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[Introduced January 14, 2015; referred to the Committee on Government Organization; and then to the Committee on the Judiciary.]

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A BILL to amend and reenact §16-13-18 of the Code of West Virginia, 1931, as amended, relating to supervision of works by a sanitary board; and providing that if a professional engineer is under contract for a project, an engineer is not required to serve on the sanitary board.

*Be it enacted by the Legislature of West Virginia:*

That §16-13-18 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

## **ARTICLE 13. SEWAGE WORKS AND STORMWATER WORKS.**

**§16-13-18. Supervision of works by sanitary board; organization of board; qualifications, terms and compensation of members.**

1       (a) The governing body shall provide by ordinance the  
2 organization of the board, and that the custody,  
3 administration, operation and maintenance of such works  
4 ~~shall be~~ are under the supervision and control of a sanitary  
5 board, created ~~as herein provided~~ under this section.

6       (b) ~~Such~~ The sanitary board shall be composed of either  
7 the mayor of the municipality, or the city manager thereof, if  
8 ~~said the~~ municipality shall have has a city manager form of  
9 government, and two persons appointed by the governing  
10 body: *Provided*, That, in the event of an acquisition or  
11 merger of an existing works, the governing body may  
12 increase the membership to a maximum of four members in  
13 addition to the mayor or city manager of the municipality  
14 served by the board.

15       (c) During the construction period, one of the members  
16 must be a registered professional engineer, except that if a  
17 registered professional engineer is under contract for the  
18 project, the membership of the board is not required to  
19 include a registered professional engineer. The engineer

20 member of the board need not be a resident of ~~said~~ the  
21 municipality. After the construction of the plant for which  
22 no registered professional engineer is under contract has  
23 been completed, the engineer member may be succeeded by  
24 a person not an engineer. No officer or employee of the  
25 municipality, whether holding a paid or unpaid office, ~~shall~~  
26 ~~be~~ is eligible ~~to~~ for appointment ~~on~~ said to the sanitary board  
27 until at least one year after the expiration of the term of his  
28 or her public office. The appointees shall originally be  
29 appointed for terms of two and three years respectively, and  
30 upon the expiration of each term and each succeeding term,  
31 an appointment of a successor shall be made in like manner  
32 for a term of three years. Vacancies shall be filled for an  
33 unexpired term in the same manner as the original  
34 appointment. Each member shall give ~~such~~ bond, if any, as  
35 ~~may be~~ required by ordinance. The mayor or city manager  
36 shall act as chairman of the sanitary board, which shall elect  
37 a vice chairman from its members and ~~shall~~ designate a  
38 secretary and treasurer (but the secretary and the treasurer

39 may be one and the same) who need not be a member or  
40 members of the sanitary board. The vice chairman,  
41 secretary and treasurer shall hold office ~~as such~~ at the will of  
42 the sanitary board.

43 (d) The members of the sanitary board ~~shall~~ are entitled  
44 to receive compensation for their services, either as a salary  
45 or as payments for meetings attended, as the governing body  
46 ~~may determine~~ determines, and ~~shall be~~ are entitled to  
47 payment for their reasonable expenses incurred in the  
48 performance of their duties. The governing body shall fix  
49 the reasonable compensation of the secretary and treasurer  
50 in its discretion, and shall fix the amounts of bond to be  
51 given by the treasurer. All compensation, together with the  
52 expenses previously referred to in this section ~~referred to~~,  
53 shall be paid solely from funds provided under the authority  
54 of this article. The sanitary board ~~shall have power to~~ may  
55 establish bylaws, rules and regulations for its own  
56 ~~government~~ governance.

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(NOTE: The purpose of this bill is to provide that a sanitary board is not required to have a registered professional engineer serving on the board if the board is supervising construction of a project for which a registered professional engineer is under contract.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.)